

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
YURMAN STUDIO, INC. and YURMAN
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.
----- X

Civil Action No. 07-1241 (SAS)(HP)
(Action No. 1)

----- X
CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants.
----- X

Civil Action No. 07-7862 (SAS)(HP)
(Action No. 2)

**DECLARATION OF JONATHAN MOSS, ESQ. IN SUPPORT OF
GUCCI AMERICA, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT A

Additional Certificate (17 U.S.C. 706) Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form VA
For a Work of the Visual Arts

VA 1-375-802



EFFECTIVE DATE OF REGISTRATION

2 7 2006
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

1

Fall Winter 2005 jewelry collection jewelry design
Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

a Gucci America Inc.

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

Author's Nationality or Domicile
Name of Country

OR ☐ Citizen of _____
☐ Domiciled in _____

Was This Author's Contribution to the Work

Anonymous? ☒ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☒ Jewelry design

☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

Author's Nationality or Domicile
Name of Country

OR ☐ Citizen of _____
☐ Domiciled in _____

Was This Author's Contribution to the Work

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☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

a 2005 Year

Date and Nation of First Publication of This Particular Work

Month August Day 15 Year 2005
Complete this information ONLY if this work has been published. United States Nation

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Gucci America Inc.
605 Fifth Avenue
New York, NY 10022

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
FEB 07 2006

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FEB 07 2006

FUNDS RECEIVED

MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY AD

FORM VA

CHECKED BY Wm☒ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

a See instructions
before completing
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

7

a

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Jonathan Moss
c/o Gucci America Inc.
685 Fifth Ave
New York, NY 10022

Area code and daytime telephone number (212) 379-8453

Fax number (212) 379-8689

Email j.moss@gucci.com

b

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ►

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Gucci America Inc.
Name of author or other copyright claimant, or owner of exclusive right(s) A

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jonathan Moss

Date 2/6/06

Handwritten signature (X) ▼

x

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Jonathan Moss

Number/Street/Apt ▼

685 Fifth Avenue

City/State/ZIP ▼

New York NY 10022

• Complete all necessary spaces
• Sign your application in space 81. Application form
2. Nonrefundable filing fee in check or money
order payable to Register of Copyrights
3. Deposit material
Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20558-6000Fees are subject to
change. For current
fees, check the
Copyright Office
website at
www.copyright.gov,
with the Copyright
Office, or call
(202) 707-6000.

9

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



EFFECTIVE DATE OF REGISTRATION

1 29 07
 Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

NATURE OF THIS WORK ▼ See Instructions

1

Spring Summer 2007 jewelry Collection jewelry design

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Page ▼

2

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

a Gucci America Inc

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

Author's Nationality or Domicile
 Name of Country
 OR
 Citizen of
 Domiciled in

Was This Author's Contribution to the Work
 Anonymous? ☒ Yes ☐ No
 Pseudonymous? ☐ Yes ☐ No
 If the answer to either of these questions is "Yes," see detailed instructions.

NOTE
 Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Nature of Authorship Check appropriate box(es). See instructions

- ☐ 3-Dimensional sculpture
☐ 2-Dimensional artwork
☐ Reproduction of work of art
☐ Map
☐ Photograph
☒ Jewelry design
☐ Technical drawing
☐ Text
☐ Architectural work

Name of Author ▼

Dates of Birth and Death
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

Author's Nationality or Domicile
 Name of Country
 OR
 Citizen of
 Domiciled in

Was This Author's Contribution to the Work
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☐ 2-Dimensional artwork
☐ Reproduction of work of art
☐ Map
☐ Photograph
☐ Jewelry design
☐ Technical drawing
☐ Text
☐ Architectural work

3

Year in Which Creation of This Work Was Completed

a 2006

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month *December* Day *01* Year *2006*
 Nation *United States*

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

*Gucci America Inc.
 685 Fifth Avenue
 New York, NY 10022*

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

JAN 29 2007

ONE DEPOSIT RECEIVED

JAN 29 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

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• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
 • See detailed instructions.
 • Sign the form at line 8.

DO NOT WRITE HERE
 Page 1 of _____ pages

EXAMINED BY <u>ACW</u>	FORM VA
CHECKED BY _____	
<input checked="" type="checkbox"/> CORRESPONDENCE	FOR
<input type="checkbox"/> Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▽a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▽

Year of Registration ▽

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Presenting Material Identify any preexisting work or works that this work is based on or incorporates. ▽

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▽

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▽

Account Number ▽

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▽

Area code and daytime telephone number

212 379-8453

Fax number

212 379-8449

Email jmoos@gucci.it

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ▸

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent ofGucci America Inc

Name of author or other copyright claimant, or owner of exclusive right(s) Δ

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▽ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jonathan MossDate 1/10/07

Handwritten signature (X) ▽

X

Jonathan Moss

Certificate will be mailed in window envelope to this address:

Name ▽

Jonathan Moss

Number/Street/Apt ▽

685 Fifth Avenue

City/State/ZIP ▽

New York, NY 10022• Complete all necessary spaces
• Sign your application in space 6REGISTERED MAIL
FIRST CLASS PERMIT NO. 1000 WASHINGTON, DC1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit materialLibrary of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-6000

*17 USC (2002): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.